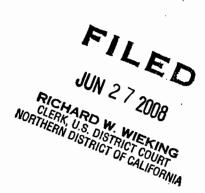


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June 16, 2008

Hon. Edward M. Chen United States District Court Northern District of California 450 Golden Gate Avenue 16<sup>th</sup> Floor San Francisco, CA 94102



Re: Request to attend conference by telephone due to schedule conflict Washington Mutual Bank v. Fidelity Capital Funding, Inc. Case No. CV-08-1407-EMC

## Dear Judge Chen:

I am co-counsel for Plaintiff Washington Mutual Bank in the above-captioned case proceeding before you. The recent re-scheduling of the case management conference to July 2, 2008 has created for me a schedule conflict, since I am obligated to an appearance in White Plains, NY during a three-day period between July 1-3. Insofar as my co-counsel, Noel Johnson, will be present at the July 2 conference, I respectfully request that I may be allowed to appear at the conference, to the extent that the appearance of both Mr. Johnson and myself is necessary, by telephone. Thank you.

Sincerely,

Michael Cavendish

MC/jk

cc:

Noel M. Johnson

Roger Raphael, Esq. William Buranich, Esq.